

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Application for a
Route Permit for the Hiawatha
Transmission Project

REVISED SCHEDULING ORDER

A telephone conference was held on December 4, 2009, before Beverly Jones Heydinger, Administrative Law Judge.

Appearances:

Lisa M. Agrimonti, Briggs and Morgan, P.A., and Jennifer Thulien Smith, Assistant General Counsel, Northern States Power Co., appeared on behalf of Northern States Power Company, (Applicant).

Paula G. Maccabee, Just Change Consulting/Law Offices, appeared on behalf of Midtown Greenway Coalition.

Corey M. Conover and Gregory Sautter, Assistant City Attorneys, appeared on behalf of the City of Minneapolis.

Colleen Schmidt, Director, appeared on behalf of Crew2, Inc.

Charles H. Salter, Assistant County Attorney, appeared on behalf of Hennepin County and Hennepin County Regional Railroad Authority.

Karen Finstad Hammel, Assistant Attorney General, appeared on behalf of the Department of Commerce, Office of Energy Security, Energy Facility Permitting Staff (Department). Department staff, Deb Pyle, Public Advisor, and William Storm, Project Manager, were also present.

Commission staff, Bret Eknes, was present.

Lori Ellis, Little Earth of United Tribes, and Joanna Solotaroff, Longfellow Community Council, did not appear, nor did they notify the Administrative Law Judge that they would not appear.

Summary:

The telephone conference was initially scheduled at the request of the Applicant to review the number of witnesses that the parties intend to call at hearing and determine whether additional hearing dates should be scheduled. Subsequent to scheduling the conference, the Department revised its schedule for completing the Draft EIS on this project and holding the public meeting to accept comment on the draft. In light of the schedule change, the Midtown Greenway Coalition requested an adjustment to the schedule set in the Prehearing Order, dated August 11, 2009.

Discussion was held among the participants concerning the number of possible witnesses, the proposed schedule, including release of the Draft EIS, separation of the public hearing and evidentiary hearing, the deadline for intervention and filing testimony, and scheduling another telephone conference.

At this time, the Department projects that the Draft EIS will be completed by January 8, 2010, and that the public hearing to comment on the Draft EIS will be held no later than the first week of February.

All of the parties participating in the telephone conference concurred in the revised schedule, including the Applicant, which acknowledged that the revisions would delay the Public Utilities Commission's decision beyond May 2010.

Based on the discussion, the Administrative Law Judge makes the following changes to the Prehearing Order.

IT IS HEREBY ORDERED:

1. Any person who wishes to intervene in this proceeding must file a written petition to intervene with the Administrative Law Judge no later than **January 20, 2010**, as set forth in Minn. R. 1400.6200. A Notice of Appearance shall be filed with the Petition. Any objection to a petition to intervene shall be filed within seven days of receipt of the petition, but no later than **January 27, 2010**. The petition and any objection shall be served upon all parties, pursuant to the E-service list in effect at the time of the petition.

2. The following schedule for prefilng testimony is adopted:

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| Direct Testimony | February 18, 2010 |
| Rebuttal Testimony | March 15, 2010 |
| Surrebuttal Testimony | March 26, 2010 |
| List of Proposed Exhibits and Witnesses | April 2, 2010 |

3. Public hearings will be held in Minneapolis, Minnesota, on **April 5 and April 6, 2010, at 2:00 p.m. and 7:00 p.m.**, at a location to be arranged by the Applicants in consultation with the Commission staff and the Administrative Law Judge.

4. The parties shall convene on **April 5, 2010, at 11:00 a.m.**, at the location for the public hearings, to mark and introduce into evidence the prefiled testimony and accompanying attachments.

5. The evidentiary hearing shall commence on **April 12, 2010, at 9:30 a.m.**, at the Public Utilities Commission, and shall continue on April 13 through 21, 2010, as necessary to complete the presentation of the evidence.

6. Public Comments may also be submitted in writing to the Administrative Law Judge and must be received by 4:30 p.m. on **April 28, 2010**.

Order of Testimony

7. Unless the parties agree otherwise, the order of testimony shall be: the Applicant, Midtown Greenway Coalition, City of Minneapolis, Crew2, Inc., Hennepin County, Little Earth of United Tribes, Longfellow Community Council, additional intervenors, if any, in the order of intervention, and the Department. Questioning of the witnesses shall proceed in the same order, subject to change by agreement of the parties or further order of the Administrative Law Judge.

Prefiled Testimony

8. Each of the parties shall file Direct Testimony addressing its preferred route.

Objections to Prefiled Testimony

9. Except for good cause shown, objections by any party relative to the qualifications of a witness or the admissibility of any portion of a witness's prefiled testimony shall be considered waived unless the objecting party states its objection by motion made to the Administrative Law Judge, and serves a copy of such objections on the parties, no later than **April 5, 2010**.

Telephone Conference

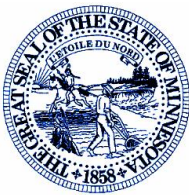
10. A telephone conference will be held with the parties on **January 28, 2010, at 2:30 p.m.**, to review the schedule and address other prehearing issues. All parties are expected to participate or to notify the Administrative Law Judge in advance that they are unable to do so. To participate, call **XXXXXXXXXX**, and enter passcode **XXXXXXXXXX**.

11. Except as expressly amended by this Order, the Prehearing Order, issued on August 11, 2009, remains in effect.

Dated this 7th day of December, 2009.

s/Beverly Jones Heydinger

BEVERLY JONES HEYDINGER
Administrative Law Judge



MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

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December 7, 2009

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| To All Parties on the E-Docket Service List | |
|---|--|

**Re: In the Matter of the Application for a Route Permit for the
Hiawatha Transmission Project; OAH No. 15-2500-20599-2
PUC No. E-002/TL-09-38**

Dear Parties:

The document listed below has been filed with the E-Docket system and served as specified on the E-Docket service list, and served by email.

Revised Scheduling Order

Sincerely,

s/Beverly Jones Heydinger

BEVERLY JONES HEYDINGER
Administrative Law Judge

Telephone: (651) 361-7838

BJH:nh

Enclosure

